

Appl. No. 10/689,342
Atty. Docket No. CM2536CQ
Amdt. dated August 3, 2006
Reply to Office Action of May 3, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1, 2, 4-14 and 19 are pending in the present application. Claims 15-18 have been withdrawn.

Applicants have amended claims 1 and 4 to include the features of bonded regions forming a plurality of first primary bonding pattern continuous lines and second primary bonding pattern continuous lines.

Applicants have amended claims 5, 6 and 9 to correct typographical and/or grammatical errors.

Applicants have amended claim 19 to include the features of solid embossing lines that intersect at least 3 corrugations.

Applicants appreciate and acknowledge the mention by the Examiner that previously added claim 15 should be numbered claim 19.

These amendments are supported by the specification, claims and drawings as filed.

Rejection Under 35 USC §102(b)

Claims 1, 2, 4-6, 8, 9 and 12 have been rejected under 35 U.S.C. §102(b) as being anticipated by JP 56-140153.

Claims 1, 8, 12 and 13 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 6,586,076.

Applicants submit that claim 1 has been amended to include the features of bonded regions forming a plurality of first primary bonding pattern continuous lines and second primary bonding pattern continuous lines.

It is Applicants' position that this amendment overcomes the rejections as stated in paragraph 4 and 5 of the Office Action dated May 3, 2006.

Rejection Under 35 USC §103(a)

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Claims 10, 11, 13 and 14 have been rejected under 35 USC §103(a) as being unpatentable over JP 56-140153 in view of Easley et al.

Claims 9-11 have been rejected under 35 USC §103(a) as being unpatentable over Mizutani et al. '076.

For the sake of brevity, Applicants submit that claims 9-11 and 13-14 depend directly or indirectly on claim 1 and that claim 1 has been amended.

It is Applicants' position that the amendment of claim 1 overcomes these rejections.

Claim 19 have been rejected under 35 USC §103(a) as being unpatentable over JP 56-140153 in view of Tanaka et al. '472.

Applicants submit that claim 19 has been amended to include the features of solid embossing lines that intersect at least 3 corrugations.

Applicants submit that it is basic patent law that "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation ... to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure." *In re Vaack*, 947 F.2d 488, USPQ 2d 1438 (Fed Cir. 1991). (emphasis added)

When considering the claimed invention as a whole, the Office must take into consideration the features of solid embossing lines that intersect at least 3 corrugations, features that are neither taught nor suggested by JP '153 nor Tanaka et al. '472.

In addition, the Office Action dated May 3rd, 2006, includes the following statements:

"[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to JP-54-140153 to form two sets of parallel bonding lines therein, wherein one set is not parallel to the other, as taught by Tanaka et al, in order for the sheet to exhibit excellent bulkiness, resiliency and compressibility characteristics as well as three dimensional appearance motivated by the fact JP 540140153 discloses that other patterns and continuous bonding lines can be formed, of which Tanaka et al shows to be known in the art."

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Applicants submit that this reasoning, however, only presents a conclusion, and fails to present an adequate basis for the rejection. As a result, it is readily apparent that the Office has not made a prima facie showing of obviousness for claim 19. Applicants submit that simply because a reference can be modified does not mean that one of ordinary skill in the art would have been motivated to modify the reference to arrive at the claimed invention. It appears that in order to reach the conclusions asserted, the Office has employed Applicants' disclosure as a road map for picking and choosing among a universe of potential new reconfigurations and has employed impermissible hindsight to arrive at the distinctive changes and modifications needed to further derive Applicants' claimed invention. It is well settled that an obviousness rejection derived in such a manner is improper. Accordingly, for at least this additional reason, claim 19 is patentable over JP '153 alone or in combination with Tanaka et al. '472

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Conclusion

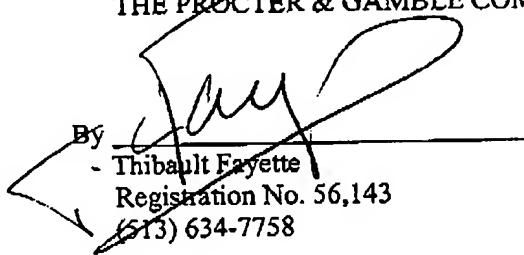
In view of the previous amendments and remarks, it is submitted that all the claims are in condition for allowance. Early and favorable action on all claims is therefore respectfully requested.

If the next action is other than to allow the claims, the favor of a telephonic interview is requested with the undersigned representative.

Respectfully submitted,

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